

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

KINGSTON OIL SUPPLY CORP.

SUMMONS IN A CIVIL ACTION

V.

BOTTINI FUEL COMPANY

CASE NUMBER:

208 CV 42537

TO: (Name and address of Defendant)

BOTTINI FUEL COMPANY  
2785 Main Street  
Wappingers Falls, New York 12590

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

DAY PITNEY LLP  
7 Times Square  
New York, New York 10036

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

MAY 05 2008

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

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| <b>RETURN OF SERVICE</b>  |          |              |
|---|----------|--------------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>  | DATE     |              |
| NAME OF SERVER ( <i>PRINT</i> )   | TITLE    |              |
| <i>Check one box below to indicate appropriate method of service</i>  |          |              |
| <div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br/> Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div> |          |              |
| <b>STATEMENT OF SERVICE FEES</b>  |          |              |
| TRAVEL  | SERVICES | TOTAL \$0.00 |
| <b>DECLARATION OF SERVER</b>  |          |              |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ <i>Signature of Server</i> _____</p> <p style="text-align: center; margin-top: 20px;">_____<br/><i>Address of Server</i></p>  |          |              |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



**Demovsky Lawyer Service**

Premier Nationwide Document Retrieval  
and Process Service Company

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KINGSTON OIL SUPPLY CORP., a  
New York corporation,

Plaintiff,

-against-

AFFIDAVIT OF SERVICE  
08 Civ. 4253(BSJ)

BOTTINI PROPANE INC., a New York corporation,

Defendant.  
-----X

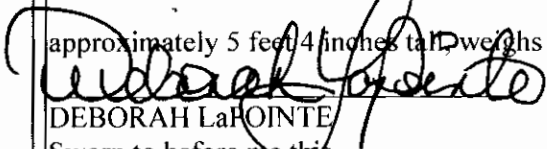
STATE OF NEW YORK )  
S.S.:  
COUNTY OF ALBANY )

DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 15<sup>TH</sup> day of May, 2008, at approximately the time of 1:00P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the SUMMONS AND COMPLAINT AND AMENDED COMPLAINT AND CIVIL COVER SHEET AND RULE 7.1 DISCLOSURE STATEMENT AND JUDGES' RULES upon BOTTINI PROPANE INC., the defendant in this action, by delivering to and leaving with DONNA CHRISTIE an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306 Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

DONNA CHRISTIE is a white female, approximately 45 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 145 pounds with blonde hair and blue eyes.

  
DEBORAH LaPOINTE  
Sworn to before me this  
15<sup>TH</sup> day of May, 2008

NOTARY PUBLIC

State of New York - Department of State  
Receipt for Service

Receipt #: 200805150250  
Date of Service: 05/15/2008  
Service Company: 10 D.L.S. INC. - 10

Cash #: 200805150247  
Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: BOTTINI PROPANE INC.

Plaintiff/Petitioner:  
KINGSTON OIL SUPPLY CORP.

Service of Process Address:  
BOTTINI PROPANE INC.  
2785 WEST MAIN ST  
WAPPINGER FALLS, NY 12590

Secretary of State  
By DONNA CHRISTIE